

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED

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U.S. DISTRICT COURT
N.D. OF ALABAMA

LARRY HOPE,)
)
Plaintiff,)
)
v.) CASE NO.: 96-BE-2968-S
)
MARK PELZER, et al.,)
)
Defendants.)

kl

DEFENDANTS' ANSWER TO THE AMENDED COMPLAINT¹

COME NOW the Defendants, by and through undersigned counsel,
and file this answer to the amended complaint filed August 9, 2004,
stating as follows:

1. This paragraph concerns jurisdiction and does not require an admission or denial.
2. Admit.
3. Admit.
4. Admit.
5. Admit.
6. Admit.
7. Admit the Plaintiff was handcuffed to the restraining bar at Limestone Correctional Facility on two occasions.
8. Deny.
9. Deny

10.Deny.

11.Deny.

12.Deny.

13.Deny.

AFFIRMATIVE DEFENSES

The Plaintiff has failed to state a cause of action for which relief can be granted.

The Plaintiff's claims do not state a cause of action that can be maintained under 42 U.S.C. § 1983.

The Defendants are entitled to qualified and/or good faith immunity for the allegations contained in the Plaintiff's complaint under 42 U.S.C. § 1983.

The Defendants are entitled to absolute immunity for all claims against them in their official capacity.

The Defendants adopt and reassert herein all previously filed arguments and defenses asserted in response to the Plaintiff's complaint.

RESPECTFULLY SUBMITTED,

TROY KING (KIN047)
ATTORNEY GENERAL


ELLEN LEONARD (LEO008)
ASSISTANT ATTORNEY GENERAL

¹ In answer to this amended complaint, Defendants do not waive their objections that it is untimely filed.

ADDRESS OF COUNSEL:

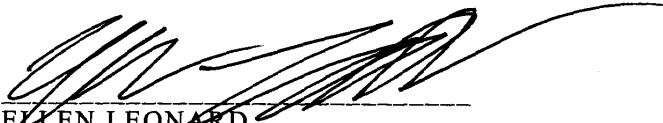
Office of the Attorney General
11 South Union Street
Montgomery, AL 36130
(334) 353-8699

CERTIFICATE OF SERVICE

I hereby certify that I have, this the 8th day of September, 2004, served a copy of the foregoing upon Plaintiff's counsel, by placing same in the United States Mail, postage prepaid and properly addressed as follows:

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